CWP No.1159 of 2005.

18.7.2007 Present : Mr.Pawan Gautam, counsel for the petitioner.
Mr.M.S. Chandel, Advocate General, with Mr. R.M. Bisht, Dy.A.G. for respondents.

By means of this writ petition the petitioner has prayed that the land of the petitioner bearing khasra Nos.3253, 3589, 3624, 3628, 3652, 3743, 3748 and 3843 situated in village Dharamsala Mahantan, Tehsil Amb, District Una has been used by the respondents for construction of a road and no compensation has been paid to him. A notification for acquisition of khasra Nos.3652, 3743, 3748 and 3843 was also issued some times in the year 1993 but the same was allowed to lapse. Thereafter, though the petitioner has been corresponding with the Department and making the representations, his land has not been acquired.

The petitioner had also filed a Civil Suit in this regard but the same was withdrawn with liberty to file a writ petition.

The stand of the State is that the cause of action, if any, arose in the year 1966 when the road was constructed and this petition cannot be entertained after such a long time. However, it is admitted that the land which is shown to be in the ownership of the petitioner in the revenue record is in the possession of the HPPWD and forms part of Chintpurni-Talwara road and is recorded as gairmumkin sarak.

We had directed the respondents on 29th May, 2007 to file a fresh affidavit whether the land of the petitioner or any other similarly situated person has been acquired or not. Affidavit has been filed which shows that the land has not been acquired.

It is well settled law that no person can be deprived of his property without payment of compensation. This is a constitutional right under Article 300-A of the Constitution of India.

Keeping in view the aforesaid facts, we are of the view that the respondents are in illegal possession of the land of the petitioner. We, therefore, direct that the respondents shall issue notification under Section 4 of the Land Acquisition Act, 1894 within four months from today and shall complete the entire acquisition

proceedings within 2 years thereafter. The respondents are also at liberty to approach the petitioner for negotiation and settle the matter either by way of negotiation or by completing the entire acquisition proceedings within the aforesaid period. The writ petition is allowed in the aforesaid terms. No costs.

(Deepak Gupta),
Judge.

July 18, 2007. **(V.K.Ahuja)**
PV **Judge.**